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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,999	12/03/2001	Lowell C. Douglas	DOUG 100 CIP	8331

7590 06/29/2005
Sherri Padgett
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Dacula, GA 30019

EXAMINER

PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/010,999	DOUGLAS ET AL.	
	Examiner	Art Unit	
	Sebastiano Passaniti	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45 and 46 (note the minor objection to claim 45) is/are allowed.
- 6) ☒ Claim(s) 28,29,31 and 40-42 is/are rejected.
- 7) ☒ Claim(s) 30,32-39,43 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to communication received 12/29/2004 – remarks; 04/06/2005 – claims.

Claims 28-46 remain pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Pelz ('300). Note putter head (12) having hosel (32) connected adjacent the toe and including a shaft socket into which shaft (14) is inserted. See, also col. 3, lines 24-33. As to claim 40, the hosel appears to be integral with the head.

Claims 29 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelz ('300) in view of Solheim ('654) and Meyer ('883). Pelz differs from the claimed invention in that Pelz does not show multiple bends for the hosel. Both Solheim and Meyer show it to be old in the art to provide a hosel with plural bends in order to desirably locate the shaft axis forward of the face plane so that visual alignment of the

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top of the putter head with respect to the golf ball at address is facilitated. See col. 2, lines 44-53 and col. 3, lines 54-66 in Solheim. See col. 2, line 58 through page 3, line 16 in Meyer. In view of the patents to Solheim and Meyer, it would have been obvious to modify the device in the cited art reference to Pelz by including a plurality of bends within the hosel structure, the motivation being to make it easier to see the top of the head for alignment purposes.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelz ('300) in view of Solheim ('654), Meyer ('883) and Se-Hyup ('935). Pelz in view of Solheim and Meyer has been discussed above. Pelz, as modified, does not specifically detail 90 degree angles between at least a plurality of bends in the hosel. Se-Hyup shows it to be old in the art to provide angles of between 90-110 degrees at the hosel connection points (3, 5) when viewing the hosel and shaft assembly. See Figures 4A, 4B and col. 2, line 52 through col. 3, line 9 in Se-Hyup. It is clear that Se-Hyup recognizes that a minimum of 90 degrees is needed between adjacent hosel bends in order to maintain a proper alignment of the face, head and shaft with respect to a golf ball at address. In view of the patent to Se-Hyup, it would have been obvious to further modify the device in the cited art reference to Pelz by including angles of at least 90 degrees among the multiple bends, the motivation being to provide for a properly aligned hitting face.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelz ('300) in view of Montgomery. Pelz does not specifically detail that the hosel is separately formed and subsequently attached to the head. Montgomery shows it to be

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old in the art to include a hosel as an integral part of the head or alternatively as a separate part that is attached to the head (col. 4, lines 21-24). Moreover, the patent laws have made it clear that the mere fact that a given structure is integral does not preclude its consisting of various elements. See Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. of Int. 1969). In view of the patent to Montgomery and the above reasoning, it would have been obvious to modify the device in the cited art reference to Pelz by forming the hosel as a separate piece and later attaching the hosel to the head, the motivation being to take advantage of another common assembly technique. Note, since claim 41 is presented as a structure claim, it is clear that the manner of assembling the hosel to the head, using either an integral or separate construction does not appear to alter the appearance and function of the final product. Thus, the fact that the hosel is claimed as being separately formed would not appear to structurally limit the claimed device.

Claims 30, 35, 36, 38, 39, 43 and 45 are objected to because of the following minor informalities:

As to claims 30, 43 and 45, does not the second intermediate portion laterally extend from the first intermediate portion toward the heel portion of the putter head and in parallel with **a plane containing** the face of the putter head?

As to claim 35, "along the length of a golf ball" would seem to imply that the golf ball is to be considered a positive recitation in the claim. Is the golf ball supposed to be a structural part of the claimed invention?

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As to claim 36, what exactly is meant by "to some distance" ? This language has been broadly interpreted, here.

As to claim 38, what exactly is meant by "desired"? This language has been broadly interpreted, here.

As to claim 39, what "diameter" is being referenced.

Appropriate correction is required.

Claims 30, 32-39, 43 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 45 and 46 appear to be allowable over the prior art references of record. None of the prior art references of record show, suggest or render obvious the inclusion of a hosel having a second intermediate portion extending laterally from a first intermediate portion toward the heel portion of the putter head and in parallel arrangement with the face in combination with the remaining hosel elements, the putter head and the shaft claimed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Redman shows a hosel connected at the toe. Kronogard shows an arrangement (Figures 5, 6, 7) in which the hosel extends from the toe area. See Figure 4 in Hincks. Note Figure 3(e) in Jackson. See Figure 1 in Kropp. Note Figures 3 and 5 in Pamias. Observe Figure 1 in DePriest.

Applicant's arguments with respect to claims 28-46 have been considered but are moot in view of the new ground(s) of rejection.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.Passaniti/sp
June 23, 2005


Sebastiano Passaniti
Primary Examiner